

REMARKS/ARGUMENTS

Claims 1-4, 6, and 9 are amended by this response. Claims 5, 7-8, and 10-11 are canceled. Claims 12-18 are added. Accordingly, following entry of these amendments and remarks, claims 1-4, 6, 9, and 12-18 will remain pending.

As a threshold matter, Applicants appreciate the Examiner's indication of the need to formally submit certain references in an information disclosure statement (IDS). Accordingly, submitted herewith is an IDS for consideration by the Examiner.

In the latest office action, claims 9-11 were rejected as purportedly drawing to non-statutory subject matter under 35 U.S.C. §101. Claims 10-11 have been canceled. Claim 9 has now been amended to recite a computer readable storage medium storing a computer program, rather than the computer program itself. Based upon this amendment to the claim, it is respectfully asserted that this rejection of the claims has now been overcome.

A number of the claims stand rejected on grounds of double patenting. Applicants note that each of these double patenting rejections are provisional only, as the purportedly conflicting claims have not yet been patented. Accordingly, Applicants decline at this time to submit a terminal disclaimer to overcome these rejections, but would be willing to do so should the purportedly conflicting claims ultimately issue in a granted patent.

Turning now to address rejection of the pending claims based upon alleged prior art to other parties, embodiments of the present invention relate to audio device control devices. In a particular embodiment, a product given by likelihood "S" multiplied by a weighting factor "J" is employed as a criterion for controlling the kinds of music that are reproduced.

Claim 1 as amended accordingly recites:

1. An audio device control device for controlling an audio device for reproducing music comprising:
 - ... speech recognition means which acquires speech data representing a speech, and specifies a candidate for a phrase included in said speech by performing speech recognition on said speech data, and calculates likelihood for each of the candidate of the specified phrase;
 - operational status information acquisition means which acquires operational status information indicating an operational status of the audio device to be controlled; and
 - audio device control means which calculates a parameter for specifying music based on the predetermined constant corresponding to the phrase specified

by the speech recognition means and the likelihood calculated by the speech recognition means, specifies music reproduced by the audio device based on the operational status acquired by said operational status information acquisition means and on the calculated parameter; and controls said audio device for reproducing the specified music.

All of the claims stand rejected as anticipated by U.S. Patent No. 6,584,439 to Geilhufe ("the Geilhufe Patent"). These anticipation rejections are overcome as follows.

As a threshold matter, the Examiner is respectfully reminded that the claims stand rejected as anticipated, and not merely obvious, in view of the Geilhufe Patent:

[t]he distinction between rejections based on 35 U.S.C. 102 and those based on 35 U.S.C. 103 should be kept in mind. Under the former, the claim is anticipated by the reference. No question of obviousness is present. In other words, for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. (Emphasis added; MPEP 706.2)

Here, the Geilhufe Patent does relate generally to voice activation of devices. That reference, however, fails to teach or even suggest calculating a parameter for specifying music in the manner claimed. In particular, the Geilhufe Patent lacks any apparent disclosure of specifying music based on a predetermined constant corresponding to the phrase specified by a speech recognition means, and the likelihood calculated by the speech recognition means.

Claims 12-18 are added by this response. Support for these claims is present in the specification as originally filed, in at least the following specific paragraphs:

Claim No.	Paragraph No.
Claim 12	Paragraphs [0080] to [0081], and [0167]
Claim 13	Paragraphs [0061] to [0064], and [0109] to [0110]
Claim 14	Paragraphs [0069] to [0071], and [0113] to [0115]
Claim 15	Paragraph [0129]
Claim 16	Paragraph [0130]
Claim 17	Paragraphs [0071] and [0132]
Claim 18	Paragraph [0133]

Response to Office Action Mailed April 29, 2008

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

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